

180106

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.**

In the Matter of )  
 )  
Section 63.71 Application of )  
 )  
**Utilities Commission, New Smyrna Beach** )  
 )  
For Authority to Discontinue Domestic )  
Telecommunications Services )

WCB Docket No. 06-

2006/08/01  
10:11 AM  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

**SECTION 63.71 APPLICATION**

The Utilities Commission, New Smyrna Beach ("UCNSB"), through its undersigned counsel, hereby files this Application to discontinue domestic telecommunications services pursuant to Section 63.71 of the Commission's Rules, 47 C.F.R. § 63.71, and Section 214 of the Communications Act of 1934, as amended, in the selected areas defined herein. Specifically, UCNSB seeks to discontinue the provision of certain local, domestic and international long distance,<sup>1</sup> and toll free services to retail customers throughout the states of Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee beginning August 1, 2006.<sup>2</sup> In support of this Application, UCNSB submits the following information:

<sup>1</sup> UCNSB is filing simultaneously herewith the required notification of discontinuance of international services pursuant to Section 63.19 of the Commission's Rules, 47 C.F.R. § 63.19.

<sup>2</sup> UCNSB proposes to discontinue services in Florida, Georgia, Mississippi, North Carolina and South Carolina on August 1, 2006, and to discontinue services in Tennessee on September 1, 2006.

**I. Description of Discontinuance**

**1. Name and address of carrier**

Utilities Commission, New Smyrna Beach  
200 Canal Street  
PO Box 100  
New Smyrna Beach, FL 32170-0100

For purposes of this application, UCNSB may be contacted through Mr. Robert J. Rodi, General Manager and CEO, at the address provided above.

**2. Date of planned service discontinuance:**

The anticipated date for the initiation of discontinuance of service in the service markets described in paragraph 3 below is August 1, 2006, or as soon thereafter as the necessary state and federal regulatory authorizations have been obtained.

**3. Points of geographic areas of service affected**

By this Application, UCNSB seeks authority to discontinue the provision of domestic telecommunications services provided to customers in the states of Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

**4. Brief description of the type of service affected**

UCNSB proposes to discontinue the provision of all local, domestic and international long distance, and toll free telecommunications services to commercial and residential retail customers in the states listed in paragraph 3, above.

**5. Brief description of the dates and methods of notice to all affected customers**

Written notice of the discontinuance, substantially in the form of the sample letter attached as Exhibit A (sent to customers in Florida, Georgia, North Carolina and South Carolina), Exhibit B (sent to customers in Mississippi) and Exhibit C (sent to customers in Tennessee) was mailed to all affected customers on May 31 and June 1, 2006. The customer notice letters were prepared in accordance with the requirements of Section 63.71(a) of the Commission's Rules and state rules, as applicable.

**6. Non-dominance of the carrier with respect to the service to be discontinued**

UCNSB is non-dominant with respect to the services that it proposes to discontinue.

**7. Service**

In accordance with Section 63.71(a) of the Commission's rules, UCNSB has mailed a copy of this application to the Governor and the public utility commission of each of the states listed above in paragraph 3, and to the Special Assistant for Telecommunications for the Secretary of Defense.

**8. Additional questions regarding this application may be addressed to:**

Sylvia Lesse  
Communications Advisory Counsel, LLC  
2154 Wisconsin Avenue, NW  
Washington, DC 20007  
(202) 333-5273

## **II. Circumstances of Discontinuance**

As part of UCNSB's plan to realign its business plan in order to maintain long term economic viability, UCNSB has determined to discontinue the provision of telecommunications services in Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, as described above.

## **III. Conclusion**

UCNSB believes that the proposed discontinuance is reasonable and necessary. UCNSB will take all reasonable steps, to the extent it is able, to ensure that the discontinuance of service is not unduly disruptive to the present or future public convenience and necessity. For the foregoing reasons, UCNSB respectfully requests, pursuant to Section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a) and Section 63.71 of the Commission's Rules, that the Commission permit it to discontinue the provision of services to customers as requested herein.

Respectfully submitted,

**Utilities Commission,  
New Smyrna Beach**

By: \_\_\_\_\_



Sylvia Lesse  
Its Attorney

Communications Advisory Counsel, LLC  
2154 Wisconsin Avenue, NW  
Washington, DC 20007  
(202) 333-5273

Dated: June 1, 2006

**Exhibit A**

**Sample Discontinuance Notice Letters**

**To Customers in Florida, Georgia, North Carolina and South Carolina**



**NOTICE OF COMMUNICATIONS SERVICE DISCONTINUANCE  
DO NOT DISREGARD THIS NOTICE**



June 1, 2006

ACCOUNT NAME  
CONTACT NAME  
BILLING/NOTIFICATION ADDRESS  
BILLING/NOTIFICATION ADDRESS 2  
CITY, STATE, ZIP CODE

RE: Account # / Service Location: STREET ADDRESS, CITY, STATE

Dear New Smyrna Communications Customer:

**Telephone Number(s):**

- (001) 888 – 8888
- (002) 888 – 8888
- (003) 888 – 8888
- (004) 888 – 8888
- (005) 888 – 8888
- (006) 888 – 8888
- (007) 888 – 8888
- (008) 888 – 8888

Due to continuing business challenges, we regret to inform you that the Utilities Commission, City of New Smyrna Beach ("New Smyrna Communications") plans to discontinue the services it offers in your geographic area. As a result, this letter is to notify you we will **discontinue any and all LOCAL, DOMESTIC AND INTERNATIONAL LONG DISTANCE, TOLL FREE, PRIVATE LINE, and any other service you receive in your current service location as of August 1, 2006.**

**You must select a new service provider(s) as soon as possible to avoid any interruption of service.** Please do not delay in arranging for a new service provider as some carriers may require several weeks to install new services. **If you do not choose a new carrier by August 1, 2006, you risk losing communication service.** To assist in your service conversion, in the text box above is a list of each telephone number associated with your account, which you can provide to the new carrier that you have selected. To help avoid service disruption, please check carefully that all service types you currently have with New Smyrna Communications (local, long distance, toll free, calling card, and/or any other services) are moved to your new carrier. Once you have chosen your new provider, New Smyrna Communications will work with the carrier you have selected to assist in the transition of your service. Any deposit on your account that is held by New Smyrna Communications will be applied to your final bill. All attempts will be made to send you a refund within forty-five (45) calendar days of issuance of the final bill if your deposit exceeds the final bill amount.

We have informed the Federal Communications Commission ("FCC") of this discontinuance. The FCC permits customers to object to discontinuance of their service by a telecommunications provider. As provided in the FCC's rule 47 CFR 63.71:

*The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, D.C. 20554, referencing the Section 63.71 Application of Utilities Commission, City of New Smyrna Beach, dba New Smyrna Communications. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.*

New Smyrna Communications appreciates the opportunity we have had to serve you. We are committed to making your service transition as smooth as possible. If you have any further questions regarding the discontinuance of our services, please contact us at 1-888-577-2759, or P.O. Box 100, New Smyrna Beach, FL 32170.

Sincerely,

Roberto Montalvo  
Finance Director

**Exhibit B**

**Sample Discontinuance Notice Letters**

**To Customers in Mississippi**



**NOTICE OF COMMUNICATIONS SERVICE DISCONTINUANCE  
DO NOT DISREGARD THIS NOTICE**



June 1, 2006

ACCOUNT NAME  
CONTACT NAME  
BILLING/NOTIFICATION ADDRESS  
BILLING/NOTIFICATION ADDRESS 2  
CITY, STATE, ZIP CODE

RE: Account # / Service Location: STREET ADDRESS, CITY, STATE

Dear New Smyrna Communications Customer:

**Telephone Number(s):**

- (001) 888 – 8888
- (002) 888 – 8888
- (003) 888 – 8888
- (004) 888 – 8888
- (005) 888 – 8888
- (006) 888 – 8888
- (007) 888 – 8888
- (008) 888 – 8888

Due to continuing business challenges, we regret to inform you that the Utilities Commission, City of New Smyrna Beach ("New Smyrna Communications") plans to discontinue the services it offers in your geographic area. As a result, this letter is to notify you we will discontinue any and all LOCAL, DOMESTIC AND INTERNATIONAL LONG DISTANCE, TOLL FREE, PRIVATE LINE, and any other service you receive in your current service location as of August 1, 2006.

**You must select a new service provider(s) as soon as possible to avoid any interruption of service.** Please do not delay in arranging for a new service provider as some carriers may require several weeks to install new services. **If you do not choose a new carrier by August 1, 2006, you risk losing communication service.** To assist in your service conversion, in the text box above is a list of each telephone number associated with your account, which you can provide to the new carrier that you have selected. To help avoid service disruption, please check carefully that all service types you currently have with New Smyrna Communications (local, long distance, toll free, calling card, and/or any other services) are moved to your new carrier. Once you have chosen your new provider, New Smyrna Communications will work with the carrier you have selected to assist in the transition of your service. Any deposit on your account that is held by New Smyrna Communications will be applied to your final bill. A refund will be sent to you within forty-five (45) calendar days of issuance of the final bill if your deposit exceeds the final bill amount.

We have informed the Federal Communications Commission ("FCC") of this discontinuance. The FCC permits customers to object to discontinuance of their service by a telecommunications provider. As provided in the FCC's rule 47 CFR 63.71:

*The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, D.C. 20554, referencing the Section 63.71 Application of Utilities Commission, City of New Smyrna Beach, dba New Smyrna Communications. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.*

New Smyrna Communications appreciates the opportunity we have had to serve you. We are committed to making your service transition as smooth as possible. If you have any further questions regarding the discontinuance of our services, please contact us at 1-888-577-2759, or P.O. Box 100, New Smyrna Beach, FL 32170.

Sincerely,

Roberto Montalvo  
Finance Director



## **Exhibit C**

### **Sample Discontinuance Notice Letters**

#### **To Customers in Tennessee**



**NOTICE OF COMMUNICATIONS SERVICE DISCONTINUANCE  
DO NOT DISREGARD THIS NOTICE**



June 1, 2006

ACCOUNT NAME  
CONTACT NAME  
BILLING/NOTIFICATION ADDRESS  
BILLING/NOTIFICATION ADDRESS 2  
CITY, STATE, ZIP CODE

RE: Account # / Service Location: STREET ADDRESS, CITY, STATE

Dear New Smyrna Communications Customer:

**Telephone Number(s):**

- (001) 888 – 8888
- (002) 888 – 8888
- (003) 888 – 8888
- (004) 888 – 8888
- (005) 888 – 8888
- (006) 888 – 8888
- (007) 888 – 8888
- (008) 888 – 8888

Due to continuing business challenges, we regret to inform you that the Utilities Commission, City of New Smyrna Beach ("New Smyrna Communications") plans to discontinue the services it offers in your geographic area. As a result, this letter is to notify you we will **discontinue any and all LOCAL, DOMESTIC AND INTERNATIONAL LONG DISTANCE, TOLL FREE, PRIVATE LINE, and any other service you receive in your current service location as of September 1, 2006.**

**You must select a new service provider(s) as soon as possible to avoid any interruption of service.** Please do not delay in arranging for a new service provider as some carriers may require several weeks to install new services. **If you do not choose a new carrier by September 1, 2006, you risk losing communication service.** To assist in your service conversion, in the text box above is a list of each telephone number associated with your account, which you can provide to the new carrier that you have selected. To help avoid service disruption, please check carefully that all service types you currently have with New Smyrna Communications (local, long distance, toll free, calling card, and/or any other services) are moved to your new carrier. Once you have chosen your new provider, New Smyrna Communications will work with the carrier you have selected to assist in the transition of your service. Any deposit on your account that is held by New Smyrna Communications will be applied to your final bill. All attempts will be made to send you a refund within forty-five (45) calendar days of issuance of the final bill if your deposit exceeds the final bill amount.

We have informed the Federal Communications Commission ("FCC") of this discontinuance. The FCC permits customers to object to discontinuance of their service by a telecommunications provider. As provided in the FCC's rule 47 CFR 63.71:

*The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, D.C. 20554, referencing the Section 63.71 Application of Utilities Commission, City of New Smyrna Beach, dba New Smyrna Communications. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.*

New Smyrna Communications appreciates the opportunity we have had to serve you. We are committed to making your service transition as smooth as possible. If you have any further questions regarding the discontinuance of our services, please contact us at 1-888-577-2759, or P.O. Box 100, New Smyrna Beach, FL 32170.

Sincerely,

Roberto Montalvo  
Finance Director

**DECLARATION OF ROBERT J. RODI**

I, Robert J. Rodi, General Manager and CEO of Utilities Commission, City of New Smyrna Beach, do hereby declare under penalty of perjury that I have read the foregoing Section 63.71 Application, and that the facts states therein are true, complete, and correct to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Robert J. Rodi

Date: 5/30/06

## CERTIFICATE OF SERVICE

I, Sylvia Lesse, of Communications Advisory Counsel, LLC, hereby certify that the foregoing Section 63.71 Application of Utilities Commission, New Smyrna Beach was served this 1<sup>st</sup> day of June, 2006, by mailing true and correct copies thereof, US postage prepaid, to the following persons at the addresses appearing on the attached list.

Secretary of Defense  
Attn: Special Assistant for Telecommunications  
Pentagon  
Washington, DC 20301

The Hon. Jeb Bush  
Governor of the State of Florida  
400 South Monroe Street  
Tallahassee FL 32399

Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee FL 32399

The Hon. Sonny Perdue  
Governor of the State of Georgia  
Georgia State Capitol  
Atlanta, GA 30334

Georgia Public Service Commission  
244 Washington Street, SW  
Atlanta, GA 30334

The Hon. Haley Barbour  
Governor of the State of Mississippi  
Office of the Governor  
501 N. West Street, 15<sup>th</sup> Floor  
Jackson, MS 39201

Mississippi Public Service Commission  
Woolfolk Building  
501 N. West Street  
Jackson MS 39201

The Hon. Michael F. Easley  
Governor of the State of North Carolina  
20301 Mail Service Center  
Raleigh, NC 27699

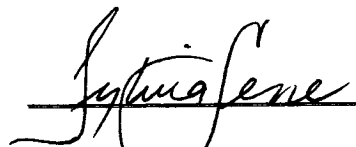
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh NC 27699

The Hon. Mark Sanford  
Governor of the State of South Carolina  
PO Box 12267  
Columbia SC 29211

Public Service Commission of South Carolina  
101 Executive Centre Drive, Suite 100  
Columbia SC 29210

The Hon Phil Bredesen  
Governor of the State of Tennessee  
Tennessee State Capitol  
Nashville TN 37243

Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville TN 37243



Sylvia Lesse